

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

JAMES D'CRUZ and NATIONAL RIFLE)	
ASSOCIATION OF AMERICA, INC.,)	
)	
Plaintiffs,)	
)	
v.)	
)	
STEVEN McCRAW, in his official)	
capacity as Director of the Texas)	
Department of Public Safety,)	
)	
Defendant.)	Civil Action No. 5:10-CV-141-C

PRETRIAL NOTICE AND ORDER
TRIAL DATE: AUGUST 15, 2011, AT 9:00 A.M.

COUNSEL AND ALL PARTIES WILL TAKE NOTICE:

The above case is set for trial on the date and time indicated. Each attorney and party are hereby ordered to comply with the following:

PLEASE NOTE: The trial of the above case is subject to the trials of any criminal cases which may be pending on the Court's docket.

A. All counsel shall jointly prepare a proposed pretrial order for the Court to enter, which will contain the following:

1. A summary of the claims and defenses of each party;
2. A statement of stipulated facts;
3. A list of the contested issues of fact;
4. A list of contested issues of law;
5. An estimate of the length of trial;
6. A list of additional matters which would aid in the disposition of the case;
7. A certificate that a settlement conference was held and the results thereof;
8. The signature of each attorney; and
9. A place for the date and signature of the Court.

All attorneys are ordered to personally confer prior to the date of submission of the proposed pretrial order, and a certificate shall be attached to the proposed order, signed by the attorneys, stating that such a conference has been held, the stipulations are agreed upon, and that the proposed pretrial order is submitted to the Court for entry. Failure to agree upon the

wording or terms of the proposed order will not be an excuse for not filing same, but the attorneys may place in such order their respective versions of the matters to be included.

B. At least twenty-one (21) days before the scheduled date for trial, each party shall file with the Clerk and serve on opposing parties proposed jury instructions and issues in jury cases and proposed findings of fact and conclusions of law in non-jury cases, any trial briefs that counsel may desire to present to the Court, and the proposed pretrial order.

C. At least twenty-one (21) days before the scheduled date for trial, each party shall file with the Clerk and serve on opposing parties the information described under Rule 26(a)(3)(A), F.R.C.P. At the same time, exhibits shall be exchanged between the parties. Objections filed under Rule 26(a)(3)(B), F.R.C.P., shall be ruled on at time of trial.

D. If a pretrial conference is deemed necessary, the attorneys will notify the Court at the time of filing the proposed pretrial order, or sooner, and the Court will, at the Court's discretion, schedule such a conference.

E. In jury cases, attorneys are not required to submit proposed voir dire questions. Attorneys will be permitted to conduct voir dire of the jury panel, subject to further order of the Court.

F. For the purposes of this pretrial notice and order, the scheduled date for trial for this case is 9:00 a.m. on August 15, 2011, in Lubbock, Texas, and such setting will continue for the following weeks during the same month. This case has been scheduled for trial with other cases. **You are responsible for staying in contact with the Court Coordinator to determine where your case stands on the Court's docket.** There will be no docket call.

G. Should any attorney fail to appear at a scheduled pretrial conference or to timely submit a complete and correct pretrial order as required or fail to comply with the other directions set out herein, an ex parte hearing may be held and judgment of dismissal, default, or other appropriate order will be entered.

H. Any party not represented by an attorney is expected to comply with the above.

IT IS SO ORDERED.

Dated January 4, 2011.


SAM R. CUMMINGS
UNITED STATES DISTRICT JUDGE